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Attorneys for Defendant, APPLE INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,

*Plaintiff, Counter-defendant,*

v.

APPLE INC.,

*Defendant, Counterclaimant.*

CASE NO. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY  
IN SUPPORT OF APPLE INC.'S  
MOTION TO STRIKE DR. SUSAN  
ATHEY'S WRITTEN AND ORAL  
EXPERT TESTMONY**

The Honorable Yvonne Gonzalez Rogers

1 I hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the  
3 Bar of this court. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, counsel of record  
4 for Defendant Apple Inc. ("Apple") in this case.

5 2. I submit this declaration in the support of Apple's Motion to Strike Portions of Dr.  
6 Susan Athey's Written and Oral Testimony.

7 3. Attached as Exhibit A is Dr. Susan Athey's Written Direct Testimony, which  
8 highlights in red (like so) the testimony that Apple seeks to strike.

9 4. Attached as Exhibit B are excerpts of the trial transcript in this matter reflecting Dr.  
10 Susan Athey's Trial Testimony, which highlights in red, as demonstrated in paragraph 3 above, the  
11 testimony that Apple seeks to strike.

12 I declare under penalty of perjury that the foregoing is true and correct, and that this  
13 Declaration was executed on May 20, 2021 at Oakland, California

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16 /s/ Mark A. Perry  
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